

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

D.B., a minor, by and through his parent)	
and guardian, SHARON BROGDON,)	
R.W. and C.W., minors, by and through)	
their parent and guardian, ROGER WHITE,)	
)	
Plaintiffs,)	
)	
v.)	No. 3:06-CV-75
)	(VARLAN/SHIRLEY)
STEVE LAFON, in his individual and)	
official capacity as Principal of William Blount)	
High School, ALVIN HORD, in his official)	
capacity as Director of Schools, and THE)	
BLOUNT COUNTY SCHOOL BOARD,)	
)	
Defendants.)	

D.B. a minor, by and through his parent)	
and guardian, SHARON BROGDON and)	
SHANA MILLER,)	
)	
Plaintiffs,)	
)	
v.)	No. 3:06-CV-86
)	
STEVE LAFON, in his individual and official)	
capacity as Principal of William Blount High)	
School, MARK WILLIAMSON, in his individual)	
and official capacity, and THE BLOUNT)	
COUNTY SCHOOL BOARD,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

These cases came before the undersigned pursuant to Local Rule 3.2 of the Local Rules of the United States District Court for the Eastern District of Tennessee for assignment to a District Judge. The record indicates that in the recently filed case of Brogdon, et al. v. Lafon, et al.,

Civil Action No. 3:06-CV-86, the complaint was filed on or about March 8, 2006. A previous case has been filed styled Brogdon, et al., v. Lafon, et al., Civil Action No. 3:06-CV-75, which was assigned to the Honorable Leon Jordan, United States District Judge and Magistrate Judge C. Clifford Shirley, Jr. On March 3, 2006, Judge Jordan filed an Order recusing himself of the case. On March 10, 2006, Honorable Curtis L. Collier, Chief United States District Judge, reassigned the case to the Honorable Thomas A. Varlan for all further proceedings.

Pursuant to E.D. TN. LR3.2(d)(3), cases related to cases already assigned to a District Judge shall be assigned or transferred to the Judge assigned to the previously filed case. The procedure set out in Local Rule 3.2(d)(3)(B) provides that “when it appears to the Clerk that a case submitted for filing may be related to a previously filed case, the submitted case shall be referred to the Magistrate Judge assigned to the previously filed case to determine whether or not the cases are related. If the Magistrate determines that the cases are related, the Magistrate will enter an Order directing the Clerk to assign the submitted case to the Judge assigned to the previously filed case.” In this matter, it appeared to the Clerk that the Brogdon case, Civil Action No. 3:06-CV-86 submitted for filing might be related to the previously filed Brogdon case, Civil Action No. 3:06-CV-75 and they were referred to the undersigned to determine whether or not the cases were related.

Cases are deemed related under Local Rule 3.2(d)(3)(A) when a filed case arises out of the same transaction or occurrence and involves one or more of the same parties as an earlier numbered case.

It appears to the undersigned that Civil Action No. 3:06-CV-86 (Brogdon) is related to the earlier filed case, Civil Action No. 3:06-CV-75 (Brogdon). Some of the plaintiff’s and some

of the defendant's in Civil Action No. 3:06-CV-86 are some of the same plaintiff's and defendants in Civil Action No. 3:06-CV-75. The plaintiff's attorney in Civil Action No. 3:06-CV-86 also represents the plaintiff's in Civil Action No. 3:06-CV-75.

Therefore, the undersigned finds that these cases are deemed related as they arise, in substantial part, out of the same transaction, occurrence, or are claimed to be related thereto and involve one or more of the same parties.

Therefore, it is the opinion of the undersigned that Civil Action No. 3:06-CV-86 (Brogdon) should be assigned to the Honorable Thomas A. Varlan, who was previously assigned to Civil Action No. 3:06-CV-75 (Brogdon) in the interest of judicial economy.¹

Accordingly, the Clerk is **DIRECTED** to assign Civil Action No. 3:06-CV-86 and Civil Action No. 3:06-CV-75 to the Honorable Thomas A. Varlan, United States District Judge.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge

¹The Court also notes and calls the parties attention to Local Rule 3.2(e), which provides that "this rule is intended to provide for the orderly division of the business of the Court and not to grant any right to any litigant."